

Message

From: Shoven, Heather [shoven.heather@epa.gov]
Sent: 3/26/2020 8:30:27 PM
To: Murphy, Elizabeth [Murphy.Elizabeth@epa.gov]; Bahr, Ryan [bahr.ryan@epa.gov]
CC: Poy, Thomas [poy.thomas@epa.gov]; Bauer, Candice [bauer.candice@epa.gov]; Taylor, Jori [taylor.jori@epa.gov]
Subject: FYI - shared with State PWSS Directors/Managers: OECA Enforcement Discretion Memo
Attachments: COVID-19 Implications for EPAs Enforcement and Compliance Assurance Program (March 26 2020).pdf

From: Poy, Thomas <poy.thomas@epa.gov>
Sent: Thursday, March 26, 2020 3:25 PM
To: Matt Prater <mprater@idem.in.gov>; Cobb, Rick <rick.cobb@illinois.gov>; Bauer, Candice <bauer.candice@epa.gov>; Adam DeWeese <Adam.Deweese@wisconsin.gov>; Amy.Klei@epa.ohio.gov; Beth Goldowitz <beth.goldowitz@wisconsin.gov>; beth.messer@epa.ohio.gov; cathrine.wunderlich@wisconsin.gov; DETTWEILERD@michigan.gov; Dan Symonik <daniel.symonik@state.mn.us>; Hokanson, Dave (MDH) <dave.hokanson@state.mn.us>; DebruynD@michigan.gov; Oswald, Eric (EGLE) <OswaldE1@michigan.gov>; Portz, Eric <Eric.Portz@Illinois.gov>; krisztian@michigan.gov; Burke, Justin <Justin.Burke@epa.ohio.gov>; karla.peterson@state.mn.us; Kyle Burton <Kyle.Burton@wisconsin.gov>; Robert Smude <Robert.smude@state.mn.us>; Sara Pierson <spierson@idem.in.gov>; Elmore, Steve B - DNR <steve.elmore@wisconsin.gov>; Sandeep Burman <Sandeep.Burman@state.mn.us>; todd.kelleher@epa.ohio.gov; Thurston, Brian (DEQ) <THURSTONB@michigan.gov>; Kristen Philip <philipk@michigan.gov>; Mary Reed <mary.f.reed@illinois.gov>
Cc: Bair, Rita <bair.rita@epa.gov>; Balasa, Kate <balasa.kate@epa.gov>; Bartlett, Janice <bartlett.janice@epa.gov>; Bauer, Candice <bauer.candice@epa.gov>; Bell, Kristina <bell.kristina@epa.gov>; Bosscher, Valerie <bosscher.valerie@epa.gov>; Brown, Alicia <brown.alicia@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Diedrich, Daniel <Diedrich.Daniel@epa.gov>; Drake, Wendy <drake.wendy@epa.gov>; Flournoy, Alma <Flournoy.Alma@epa.gov>; Harris, Kimberly <harris.kimberly@epa.gov>; Kuefler, Janet <kuefler.janet@epa.gov>; Lin, Liangchao <lin.liangchao@epa.gov>; McElhinney, Cary <mcelhinney.cary@epa.gov>; Meyer, Cynthia <Meyer.Cynthia@epa.gov>; Nguyen, Thienthao Thi <nguyen.thao@epa.gov>; Nouredin, Mostafa <nouredin.mostafa@epa.gov>; Palmer, Michele <Palmer.Michele@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>; Rouhani, Sahba <rouhani.sahba@epa.gov>; Shoven, Heather <shoven.heather@epa.gov>; Sulej, Erik <Sulej.Erik@epa.gov>; Werbach, Kristine <werbach.kristine@epa.gov>
Subject: OECA Enforcement Discretion Memo

Hello all:

The OECA memo on enforcement discretion was issued today (see attached). The memo covers multiple EPA programs. There is a section for PWSs which identifies operation of water systems as EPA's highest priority during a worker shortage. The memo does not go into specific details related to SDWA implementation which is still expected from OW.

Tom

Excerpt from OECA's "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program"

E. Public water systems regulated under the Safe Drinking Water Act

Public water systems have a heightened responsibility to protect public health because unsafe drinking water can lead to serious illnesses and access to clean water for drinking and handwashing is critical during the COVID-19 pandemic. Accordingly, the EPA has heightened expectations for public water systems. The EPA expects operators of such systems to continue normal operations and maintenance as well as required sampling to ensure the safety of our drinking water supplies. The EPA expects laboratories performing analysis for water systems to continue to provide timely analysis of samples and results. States play the lead role on drinking water issues, but the EPA also

has important drinking water enforcement and oversight responsibilities, including direct implementation responsibilities in some locations.

In the event of worker shortages in the water sector, the EPA will consider continued operation of drinking water systems to be the highest priority. In anticipation of worker shortage and laboratory capacity problems, the EPA considers the following tiers of compliance monitoring to assure the safety of our drinking water supplies and prioritize prevention of acute risks. Of highest priority is monitoring required under National Primary Drinking Water Regulations to protect against microbial pathogens. Additional priorities include nitrate/nitrite and Lead and Copper Rule monitoring followed by contaminants for which the system has been non-compliant. States may wish to adopt similar priorities.

The EPA is working closely with our federal partners, states, and other organizations to ensure resources and personnel are available to assist facilities facing staffing and contractor challenges during this period of COVID-19 response and the Office of Water plans to launch a website with this information. Accordingly, the EPA strongly encourages public water systems to consult with the state and EPA regional offices without delay if issues arise that prevent the normal delivery of safe drinking water and encourages states to continue to work closely with the EPA on measures to address the potential impacts of COVID-19. The EPA also encourages certified drinking water laboratories to consult with the state and the EPA if issues arise that prevent laboratories from conducting analyses of drinking water contaminants.

The EPA will consider the circumstances, including the COVID-19 pandemic, when determining whether any enforcement response is appropriate at public water systems acting in accordance with this subpart.

Tom Poy
Ground Water and Drinking Water Branch
USEPA - Region 5
(312) 886-5991